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BELLON & MANINGO, LTD.  
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 Attorney for Defendant  
 FAUSTO CRUZ-OCHOA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,	)	
	)	2:16-CR-030-JAD-CWH
Plaintiff,	)	(First Request)
	)	
vs.	)	
	)	
FAUSTO CRUZ-OCHOA,	)	
	)	
Defendant.	)	

Certification: This Stipulation and Order is being timely filed.

**STIPULATION AND ORDER TO CONTINUE DEADLINE TO  
 FILE OBJECTIONS TO THE PRESENTENCE INVESTIGATION REPORT  
 AND CONTINUE SENTENCING**

IT IS HEREBY STIPULATED AND AGREED by and between LANCE A. MANINGO, ESQ., counsel for the defendant FAUSTO CRUZ-OCHOA, and SUSAN CUSHMAN, Assistant United States Attorney, that the time to file Presentence Investigation Report Objections previously due on October 19, 2016, at 5:00 p.m. be elapsed and reset to a time convenient to the court, but no earlier than ten (10) days from today's date. More, that sentencing date currently scheduled for November 14, 2016 at 9:00 a.m., be vacated and continued to a date and time convenient for this Court; however, in no event earlier than thirty (30) days from the present date of sentencing.

This Stipulation is entered into for the following reasons:

1. That counsel received the Presentence Investigation Report on October 5, 2016, and it was immediately forwarded to an interpreter to be translated into Spanish. Defendant is fluent in Spanish only;
2. That counsel needs additional time to prepare objections to the Presentence Investigation Report and communicate with Defendant;
3. That the AUSA Susan Cushman is agreeable to the continuance;
4. That counsel has spoken to his client, FAUSTO CRUZ-OCHOA, who is in custody, and he has no objection to the continuance;
5. That denial of this request for continuance would deny the defendant, FAUSTO CRUZ-OCHOA, sufficient time within which to effectively make objections to his PSR, if any, and thoroughly prepare for sentencing, taking into account the exercise of due diligence; and
6. That denial of this request for a continuance could result in a miscarriage of justice.

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of October, 2016.

Bellon & Maningo, Ltd

United States of Attorney

*/s/ Lance Maningo*

*/s/ Susan Cushman*

By:

By:

LANCE A. MANINGO, ESQ.  
Attorney for Defendant  
FAUSTO CRUZ-OCHOA

SUSAN CUSHMAN, AUSA  
Attorney for Plaintiff

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UNITED STATES DISTRICT COURT

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THE UNITED STATES OF AMERICA,	)	
	)	2:16-CR-030-JAD-CWH
Plaintiff,	)	(First Request)
	)	
vs.	)	
	)	
FAUSTO CRUZ-OCHOA,	)	
	)	
Defendant.	)	

**FINDINGS OF FACTS**

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. The parties have stipulated to continue the deadline to file objections to the Presentence Investigation Report and continue sentencing;
2. That counsel received the Presentence Investigation Report on October 5, 2016, and it was immediately forwarded to an interpreter to be translated into Spanish. Defendant is fluent in Spanish only;
3. That counsel needs additional time to prepare objections to the Presentence Investigation Report and communicate with Defendant;
4. That the AUSA Susan Cushman is agreeable to the continuance;
5. That counsel has spoken to his client, FAUSTO CRUZ-OCHOA, who is in custody, and he has no objection to the continuance;
6. That denial of this request for continuance would deny the defendant, FAUSTO CRUZ-OCHOA, sufficient time within which to effectively

1  
2 make objections to his PSR and thoroughly prepare for sentencing, taking  
3 into account the exercise of due diligence;

4 7. That denial of this request for a continuance could result in a miscarriage of  
5 justice

6 **CONCLUSIONS OF LAW**

7  
8 The ends of justice served by granting said continuance outweigh the best interests  
9 of the public and the defendant, since the failure to grant said continuance would be likely to  
10 result in a miscarriage of justice.

11 **ORDER**

12 IT IS THEREFORE ORDERED that the deadline to file objections to the  
13 Presentence Investigation Report, previously set for October 19, 2016 is elapsed and  
14 continued to November 16, 2016.

15 IT IS FURTHER ORDERED that the that sentencing in this matter currently scheduled  
16 for November 14, 2016 at 9:00 a.m. be vacated and continued to December 19, 2016 at  
17 2:30 p.m.

18  
19 DATED this 21st day of October, 2016.

20  
21   
UNITED STATES DISTRICT COURT JUDGE

22 Respectfully submitted by:

23 /s/ Lance Maningo  
24 BELLON & MANINGO, LTD.  
25 LANCE A. MANINGO, ESQ.  
26 Nevada Bar No.: 006405  
27 732 S. Sixth Street, Suite 102  
28 Las Vegas, Nevada 89101  
Attorney for Defendant  
FAUSTO CRUZ-OCHOA